

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 06 MAY 2005

WIPO

PCT

Applicant's or agent's file reference 723.2PC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/ISPEA/416)	
International application No. PCT/US03/31975	International filing date (day/month/year) 08 October 2003 (08.10.2003)	Priority date (day/month/year) 08 October 2002 (08.10.2002)
International Patent Classification (IPC) or national classification and IPC IPC(C): C07D 277/20, 417/04, 263/30, 413/04; A61K 31/426, 31/427, 31/421, 31/422; A61P 25/00 and US Cl.: 548/ 200, 230; 546/269.7, 271.4; 544/238, 333, 405; 514/ 365, 374, 252.05, 255.05, 256, 336		
Applicant THE SCRIPPS RESEARCH INSTITUTE		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 2 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of ___ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand

06 May 2004 (06.05.2004)

Date of completion of this report

25 April 2005 (25.04.2005)

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Form PCT/ISPEA/409 (cover sheet) (July 1998)

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed.☒ the description:

pages 1-33 as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____

☒ the claims:

pages 34-43 as originally filed

pages NONE, as amended (together with any statement) under Article 19

pages NONE, filed with the demand

pages NONE, filed with the letter of _____

☒ the drawings:

pages 1-15 as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____

☐ the sequence listing part of the description:

pages NONE, as originally filed

pages NONE, filed with the demand

pages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages NONE☐ the claims, Nos. NONE☐ the drawings, sheets/fig NONE5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/31975**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-8</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-8</u>	NO
Industrial Applicability (IA)	Claims <u>1-8</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-8 lack novelty under PCT Article 33(2) as being anticipated by Boger et al. Proceeding of National Academy of Sciences, Vol. 97, No. 10, pages 5044-5049, 2000.

Boger et al teaches potent inhibitors of fatty acid amide hydrolase, which include compound, process of making claimed in the claims 1-8. See entire document especially pages 5045-5047 for various compounds made and tested.

Claims 1-8 lack an inventive step under PCT Article 33(3) as being obvious over Boger et al.

As noted above, Boger et al teaches several inhibitors of fatty acid amide hydrolase, which include compounds claimed in the claims 1-8. In addition, Boger et al. teaches modification of the made component as seen in pages 5045-5047. Hence, it would be obvious to one trained in the art to make various fatty acid amide with various heterocyclic groups as taught in Boger et al. and expect the compounds to be useful as fatty acid amide hydrolase inhibitors.

Claims 1-8 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry as therapeutic agents for treating CNS depression.